

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

Wendy Berry, Lorri Hulings, and Kathleen Sammons, individually and as representatives of a class of similarly situated persons, and on behalf of the FirstGroup America, Inc. Retirement Savings Plan,

Plaintiffs,
v.

FirstGroup America, Inc., FirstGroup America, Inc. Employee Benefits Committee, and Aon Hewitt Investment Consulting, Inc.,

Defendants.

Case No. 1:18-cv-00326-TSB

Judge Timothy S. Black

STIPULATION REGARDING THE ADMISSIBILITY OF DEPOSITION TESTIMONY

Plaintiffs Wendy Berry, Lorri Hulings, and Kathleen Sammons, and Defendants FirstGroup America, Inc., FirstGroup America, Inc. Employee Benefits Committee, and Aon Hewitt Investment Consulting, Inc. (collectively, the “Parties”), through their undersigned counsel, agree and stipulate as follows:

WHEREAS, former Aon employees David Kelly and Craig Pearlman were deposed in an earlier lawsuit titled *Reetz v. Lowe’s Companies, Inc., et al.*, No. 5:18-cv-00075 (W.D.N.C.);

WHEREAS, excerpts of the depositions of David Kelly and Craig Pearlman were filed publicly in *Reetz v. Aon Hewitt Investment Consulting, Inc., et al.*, No. 21-2267 (4th Cir.); and

WHEREAS, the Parties have conferred and agree that these publicly available excerpts from the prior depositions of Mr. Kelly and Mr. Pearlman may be used in this case;

THEREFORE, the parties hereby stipulate that the depositions of David Kelly and Craig Pearlman taken in the matter of *Reetz v. Lowe’s Companies, Inc., et al.*, No. 5:18-cv-00075

(W.D.N.C.) may be used in this action to the same extent as if those depositions had been taken in this action.

Dated: May 6, 2022

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By: /s/ Paul J. Lukas

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2022, a true and accurate copy of the foregoing was filed electronically. Notice of this filing will be delivered to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Paul J. Lukas